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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,114	03/05/2002	Rainer Hillebrand	RBL0085	6351

7590 05/17/2006

John F Hoffman
Baker & Daniels
111 East Wayne Street
Suite 800
Fort Wayne, IN 46802

EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/048,114	HILLEBRAND, RAINER	
	Examiner	Art Unit	
	Niketa I. Patel	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/2/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


FRTZ FLEMING
PRIMARY EXAMINER 5/12/2006
GROUP 2100
AU 2181
Supervisor

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/25/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 8 recites the limitation "the pre-determined capabilities" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Grigor et al. U.S.

Patent Number: 6,618,026 B1 (hereinafter "*Grigor*".)

5. Referring to claim 8, *Grigor* teaches a process for the automatic adaptation of the data to be transferred from a data-preparing device [see figure 1, element 18, 20, 22] to a data-requesting device [see figure 1, element 24 or 26 or 28 or 30] to the capabilities of the data-requesting

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device [see column 2, lines 24-48], in which the data-preparing device receives information data about the capabilities of the data-requesting device [see figure 2, set of modes for display 24, 26, 28 and column 4, lines 11-15], and the information data contain statements in regard to the display format usable by the display of the data-requesting device [see column 3, lines 29-64, 'display modes'], and the data to be transferred are transmitted in correspondence to the pre-determined capabilities of the data-requesting device, wherein a list of usable display formats is transmitted to the data-preparing device, and the data-preparing device, then, according to availability, selects the best-suited display format [see column 3, lines 29-64, altering one or more parameter of the drawing surface settings to generate an alternate drawing surface setting to provide a better match for the display mode of the device.]

6. **Referring to claim 9**, *Grigor* teaches wherein the information data are transmitted from the data-requesting device to the data-preparing device [see column 2, lines 24-48 and column 3, lines 29-64.]

7. **Referring to claim 10**, *Grigor* teaches wherein the information data are transmitted to the data-preparing device over a device engaged between the data-requesting device and the data-preparing device [see column 2, lines 24-48 and column 3, lines 29-64.]

8. **Referring to claim 11**, *Grigor* teaches wherein the requested data are stored in a central data bank of the data-preparing device and, on call, are formatted by a formatting device into the pre-determined data format and transmitted to the data-requesting device [see column 2, lines 24-48 and column 3, lines 29-64, memory 34.]

9. **Referring to claim 12**, *Grigor* teaches wherein the information data are transmitted to the data-preparing device over a device engaged between the data-requesting device and the data-preparing device [see figure 1, elements 18.]

10. **Referring to claim 13**, *Grigor* teaches wherein the requested data are stored in a central data bank of the data-preparing device and, on call, are formatted by a formatting device into the predetermined data format and transmitted to the data-requesting device [see column 2, lines 24-48 and column 3, lines 29-64, memory 34.]

11. **Referring to claim 14**, *Grigor* teaches wherein the requested data are stored in a central data bank of the data-preparing device and, on call, are formatted by a formatting device into the predetermined data format and transmitted to the data-requesting device [see column 2, lines 24-48 and column 3, lines 29-64, memory 34.]

Response to Arguments

12. Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272 4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner:
Niketa Patel
05/11/2006

Supervisory
Fritz Fleming
FRITZ FLEMING
PRIMARY EXAMINER 5/12/2006
GROUP 2100
Art 2181